

HOUSE BILL 537

P4

2lr2229
CF SB 783

By: **Delegates Jones, Clagett, Cullison, Donoghue, Gaines, Glenn, Gutierrez, Guzzone, Haynes, Healey, Hixson, Huckler, Mizeur, Nathan-Pulliam, Reznik, B. Robinson, V. Turner, Valderrama, and Washington**

Introduced and read first time: February 3, 2012

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Applicability**

3 FOR the purpose of providing certain collective bargaining rights to certain State
4 employees; specifying the responsibilities of the State Labor Relations Board in
5 administering and enforcing certain provisions of law relating to the collective
6 bargaining rights of certain State employees; requiring the State Labor
7 Relations Board at the request of a certain exclusive representative to ~~create~~
8 determine certain bargaining units for certain State employees, accrete certain
9 State employees into certain bargaining units, and hold a self-determination
10 election for certain accreted employees; and generally relating to the collective
11 bargaining rights of State employees.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 3–101(b), 3–102, and 3–205
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 3–101.

2 (b) “Board” means:

3 (1) with regard to any matter relating to employees of any of the units
4 of State government described in § 3–102(a)(1)(i) through (iv) **AND (VI) THROUGH**
5 **(IX)** of this subtitle and employees described in § 3–102(a)(2) of this subtitle, the State
6 Labor Relations Board; and

7 (2) with regard to any matter relating to employees of any State
8 institution of higher education described in § 3–102(a)(1)(v) of this subtitle, the State
9 Higher Education Labor Relations Board.

10 3–102.

11 (a) Except as provided in this title or as otherwise provided by law, this title
12 applies to:

13 (1) all employees of:

14 (i) the principal departments within the Executive Branch of
15 State government;

16 (ii) the Maryland Insurance Administration;

17 (iii) the State Department of Assessments and Taxation;

18 (iv) the State Lottery Agency; [and]

19 (v) the University System of Maryland, Morgan State
20 University, St. Mary’s College of Maryland, and Baltimore City Community College;
21 [and]

22 **(VI) THE COMPTROLLER;**

23 **(VII) THE MARYLAND TRANSPORTATION AUTHORITY WHO**
24 **ARE NOT POLICE OFFICERS;**

25 **(VIII) THE STATE RETIREMENT AGENCY; AND**

26 **(IX) THE STATE DEPARTMENT OF EDUCATION; AND**

27 (2) all full–time Maryland Transportation Authority police officers at
28 the rank of first sergeant and below.

29 (b) This title does not apply to:

1 (8) an employee who is entitled to participate in collective bargaining
2 under another law;

3 (9) an employee of the University System of Maryland, Morgan State
4 University, St. Mary's College of Maryland, or Baltimore City Community College who
5 is:

6 (i) a chief administrator or in a comparable position;

7 (ii) a deputy, associate, or assistant administrator or in a
8 comparable position;

9 (iii) a member of the faculty, including a faculty librarian;

10 (iv) a student employee, including a teaching assistant or a
11 comparable position, fellow, or post doctoral intern;

12 (v) a contingent, contractual, temporary, or emergency
13 employee;

14 (vi) a contingent, contractual, or temporary employee whose
15 position is funded through a research or service grant or contract, or through clinical
16 revenues; or

17 (vii) an employee whose regular place of employment is outside
18 the State of Maryland;

19 (10) an employee whose participation in a labor organization would be
20 contrary to the State's ethics laws;

21 (11) any supervisory, managerial, or confidential employee of a unit of
22 State government listed in subsection (a)(1)(i) through (iv) **AND (VI) THROUGH (IX)** of
23 this section, as defined in regulations adopted by the Secretary;

24 (12) any supervisory, managerial, or confidential employee of a State
25 institution of higher education listed in subsection (a)(1)(v) of this section, as defined
26 in regulations adopted by the governing board of the institution; or

27 (13) any employee described in subsection (a)(2) of this section who is a
28 supervisory, managerial, or confidential employee, as defined in regulations adopted
29 by the Secretary.

30 3-205.

31 (a) The Board is responsible for administering and enforcing provisions of
32 this title relating to employees described in § 3-102(a)(1)(i) through (iv) **AND (VI)**
33 **THROUGH (IX)** and (2) of this title.

1 (b) In addition to any other powers or duties provided for elsewhere in this
2 title, the Board may:

3 (1) (i) establish guidelines for creating new bargaining units that
4 include a consideration of:

- 5 1. the effect of overfragmentation on the employer;
- 6 2. the administrative structures of the State employer;
- 7 3. the recommendations of the parties;
- 8 4. the recommendations of the Executive Director;
- 9 5. the desires of the employees involved;
- 10 6. the communities of interest of the employees involved;

11 and

12 7. the wages, hours, and other working conditions of the
13 employees;

14 (ii) establish standards for determining an appropriate
15 bargaining unit; and

16 (iii) investigate and resolve disputes about appropriate
17 bargaining units;

18 (2) establish procedures for, supervise the conduct of, and resolve
19 disputes about elections for exclusive representatives; and

20 (3) investigate and take appropriate action in response to complaints
21 of unfair labor practices and lockouts.

22 (c) **(1) THE BOARD ~~SHALL~~ MAY NOT DESIGNATE A UNIQUE**
23 **BARGAINING UNIT FOR EACH OF THE UNITS OF GOVERNMENT IDENTIFIED IN §**
24 **3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE.**

25 **(2) AT THE REQUEST OF THE EXCLUSIVE REPRESENTATIVE, THE**
26 **BOARD SHALL:**

27 **(1) DETERMINE THE APPROPRIATE EXISTING BARGAINING**
28 **UNIT INTO WHICH TO ASSIGN EACH EMPLOYEE IN THE UNITS OF GOVERNMENT**
29 **IDENTIFIED IN § 3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE; AND**

1 **(II) ACCRETE ALL POSITIONS TO APPROPRIATE EXISTING**
 2 **BARGAINING UNITS.**

3 **(3) (I) NOTWITHSTANDING SUBTITLE 4 OF THIS TITLE, AT THE**
 4 **REQUEST OF THE EXCLUSIVE REPRESENTATIVE, THE BOARD SHALL CONDUCT A**
 5 **SELF-DETERMINATION ELECTION FOR EACH BARGAINING UNIT**
 6 **REPRESENTATIVE FOR THE ACCRETED EMPLOYEES IN UNITS OF GOVERNMENT**
 7 **IDENTIFIED IN § 3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE.**

8 **(II) ALL ELECTIONS SHALL BE CONDUCTED BY SECRET**
 9 **BALLOT.**

10 **(III) FOR EACH ELECTION, THE BOARD SHALL PLACE THE**
 11 **FOLLOWING CHOICES ON THE BALLOT:**

12 **1. THE NAME OF THE INCUMBENT EXCLUSIVE**
 13 **REPRESENTATIVE; AND**

14 **2. A PROVISION FOR “NO EXCLUSIVE**
 15 **REPRESENTATIVE”.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 17 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.